

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:14cv601-MHT
)	(WO)
JEFFERSON S. DUNN, in his)	
official capacity as)	
Commissioner of)	
the Alabama Department of)	
Corrections, et al.,)	
)	
Defendants.)	

OPINION AND ORDER RE: HEAT SENSITIVITY

At a status conference on January 24, 2018, the court asked counsel for the parties about the status of the issue of heat sensitivity experienced by prisoners prescribed psychotropic medication and whether the ADA required a reasonable accommodation for those prisoners. As the court understood it, this issue had been raised in a prior hearing. However, counsel for both sides responded that they did not remember the issue being raised previously. Fortunately, it appears that counsel, and not the court, had a 'senior moment.'

At a hearing on August 23, 2017, a prisoner testified about how psychotropic medication can cause the body to overheat, which can result in seizures, stroke, and even death if left unaddressed. He further testified that all of the prisoners prescribed psychotropic medication in the ADOC facility where he was imprisoned were housed in cells without air conditioning. The court asked counsel for plaintiffs whether this issue is part of this litigation; if so, whether it should be a concern of the court; and, if so, whether it is the type of matter that could be resolved through that ADA as an accommodation. Counsel for plaintiffs responded that, in their view, it is part of this litigation; that it is an issue "the court should be concerned about"; that there was an ongoing discussion of architectural modifications needed to bring the ADOC into compliance with the ADA; and that they would add the issue to the list of items for discussion.

Accordingly, it is ORDERED that counsel for all parties, after reviewing a transcript of the hearing on August 23, 2017, and after conferring with each other, file a joint report regarding the status, in this litigation, of the issue of heat sensitivity experienced by prisoners taking psychotropic medication--including whether these prisoners still risk suffering from overheating due to placement in cells without air conditioning and what progress, if any, has been made toward remedying the situation--by no later than February 12, 2018.

DONE, this the 29th day of January, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE